

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHERYL EDWARDS,

Plaintiff,

VS.

CERTAIN UNDERWRITERS AT LLOYDS,  
*et al.*,

Defendants.

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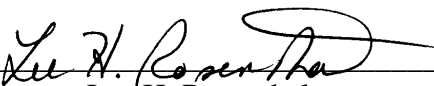
CIVIL ACTION NO. H-10-3533

**ORDER**

The insurer moved to compel appraisal. (Docket Entry No. 51). On May 9, 2011, the defendants filed a motion citing the Texas Supreme Court's recent opinion in *In re Universal Underwriters of Texas Insurance Co.*, — S.W.3d —, 2011 WL 1713278 (Tex. May 6, 2011). In that opinion, the Texas Supreme Court stated that the party opposing appraisal on the basis of waiver must demonstrate prejudice. The court noted that "is difficult to see how prejudice could ever be shown when the policy, like the one here, gives both sides the same opportunity to demand appraisal. If a party senses that impasse has been reached, it can avoid prejudice by demanding an appraisal itself." *Id.* at \*5–7.

No later than **May 27, 2011**, Edwards must either file a supplement to its response to the insurer's motion to compel appraisal in light of *Universal Underwriters* or a statement as to how this case affects its position on appraisal.

SIGNED on May 16, 2011, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge